

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

ROSE WALLACE,

Plaintiff,

v.

Civil Action No. 3:21-cv-111

LOVE'S TRAVEL STOPS &
COUNTRY STORES, INC.,

And

RYAN, LLC,

Defendants.

NOTICE OF REMOVAL

Love's Travel Stop (Love's), by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby files this Notice of Removal on the following grounds:

1. The plaintiff commenced this civil action by filing a Complaint in the Circuit Court for Henrico County, Virginia on or about January 27, 2021. See Complaint (Ex. A). This is a personal injury action resulting from an event on defendant's premises.

2. Love's was served with the Complaint on February 3, 2021. Love's filed a timely Answer on February 10, 2021. See Answer (Ex. B).

3. Ryan, LLC, ("Ryan") has not been served with the Complaint. By information and belief, Ryan, LLC, was improperly named as a party to the Complaint because Plaintiff was not sure if Love's or Ryan operated the store where the cause of action arose. In the Answer, Love's admits that it operated that store. Ryan neither owned nor operated the store.

4. There have been no further proceedings in this action.
5. The amount in controversy in this action, exclusive of interest and costs, exceeds \$75,000.00.
6. By information and belief, the plaintiff is a citizen of the State of Florida.
7. Love's is a private company organized under the laws of Oklahoma and with its principal place of business in Oklahoma City, OK.
8. Ryan is organized under the law of Delaware with its principal place of business in Texas.
9. This action involves a controversy wholly between citizens of different states. There is complete diversity of citizenship.
10. This Court has original jurisdiction in this matter pursuant to 28 U.S.C. § 1332(a), and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(a). Love's desires to remove this action to this Court.
11. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely because it is filed within thirty (30) days after service of the Plaintiff's Complaint upon the Defendant and is filed not more than one (1) year after the commencement of this action, pursuant to 28 U.S.C. § 1446(b).
12. This Court embraces the place where the state court action is pending.
13. Defendants have given notice of the filing of the Notice of Removal to counsel for the Plaintiff and have caused a copy to be filed with the Clerk of the Circuit Court for Henrico County, Virginia.

WHEREFORE, the defendant, by counsel, respectfully requests that this action be removed from the Circuit Court for Henrico County, Virginia, to this Court.

Dated: February 23, 2021

LOVE'S TRAVEL STOPS &
COUNTRY STORES, INC.,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2021, I caused a true copy of the foregoing to be sent
via U.S. mail to:

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